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Letter dated 10 October 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to attach herewith the Statement of the Parliament of Ukraine on non-recognition by Ukraine of the legitimacy of the elections to the State Duma of the Federal Assembly of the Russian Federation, seventh convocation.

I would appreciate your kind assistance in having the present letter and its annex distributed as a document of the General Assembly, under agenda item 31, and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

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Annex to the letter dated 10 October 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Statement of the Verkhovna Rada of Ukraine on non-recognition by Ukraine of the legitimacy of the elections to the State Duma of the Federal Assembly of the Russian Federation, seventh convocation, their results and legal consequences and, accordingly, the composition, powers, acts and decisions of the State Duma of the Federal Assembly of the Russian Federation, seventh convocation

Taking into account the illegitimate elections to the State Duma of the Federal Assembly of the Russian Federation held on 18 September 2016 in the territory of the Autonomous Republic of Crimea and the city of Sevastopol, temporarily occupied by the Russian Federation, the Verkhovna Rada of Ukraine states:

Ukraine is a sovereign, independent, democratic, social and law-based State, territory of which within its internationally recognized border is indivisible and inviolable.

According to the basic principles of international law, as well as the principles of the United Nations enshrined in particular in Article 2 of the Charter of the United Nations, States shall respect principles such as the sovereign equality of all States, non-use of force in international relations, territorial integrity, inviolability of state borders and non-interference in domestic affairs. Chapters I, III, IV of the Helsinki Final Act also determine the obligation of participating States to respect each other's sovereign equality, the inviolability of frontiers, as well as respect for the territorial integrity of every State. According to the Budapest Memorandum of 1994, the Russian Federation reaffirmed its commitment to Ukraine, in accordance with the principles of the Helsinki Final Act, to respect the independence, sovereignty and the existing borders of Ukraine.

The General Assembly of the United Nations, in its resolution entitled "Territorial integrity of Ukraine" adopted on 27 March 2014, affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders, and also called upon all States and international organizations not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the referendum and to refrain from any action or dealings that might be interpreted as recognizing any such altered status.

Therefore, in considering the illegitimate holding of elections in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol on 18 September 2016, the conduct of elections to the State Duma of the Federal Assembly of the Russian Federation, seventh convocation, constitutes a violation of the Constitution and the laws of Ukraine, the basic principles and norms of international law, the Charter of the United Nations, the Helsinki Final Act, the Budapest Memorandum of 1994, General Assembly resolution 68/262 entitled "Territorial integrity of Ukraine" adopted on 27 March 2014 at its sixty-eighth session and other international legal acts.

The Verkhovna Rada underlines that the State Duma of the Federal Assembly of the Russian Federation consists of 450 members, elected through a mixed

electoral system. In the occupied territory, 225 deputies were elected in a federal constituency and 4 deputies in a single-member constituency, therefore a total of 229 deputies — the majority of the State Duma of the Federal Assembly of the Russian Federation — were elected in an illegitimate way, and the results of the elections are thus null and void.

According to the general principle of law *Jus ex injuria non oritur* (a legal right cannot arise from an unlawful act), the elections to the State Duma of the Federal Assembly of the Russian Federation, seventh convocation, their results and legal consequences and, accordingly, the composition, powers, acts and decisions of the State Duma of the Federal Assembly of the Russian Federation, seventh convocation, are illegitimate.

The Russian Federation systematically violates the norms and principles of international law, as demonstrated by holding illegitimate elections in the occupied territories of Abkhazia and South Ossetia.

With regard to the above, the Verkhovna Rada of Ukraine holds the view that the presence in the State Duma of the Federal Assembly of the Russian Federation, seventh convocation, of the deputies elected in the illegitimate elections conducted in the territories occupied by the Russian Federation, results in the illegitimacy of the elections of 18 September 2016 to the State Duma as a whole and, accordingly, in the illegitimacy of the whole lower house of the Russian Parliament, its acts and decisions.

The Verkhovna Rada of Ukraine:

Recognizes that, in considering the illegitimate holding of the elections in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol on 18 September 2016, the conduct of elections to the State Duma of the Federal Assembly of the Russian Federation, seventh convocation, constitutes a violation of the Constitution and the laws of Ukraine, the basic principles and norms of international law, the Charter of the United Nations, the Helsinki Final Act, the Budapest Memorandum of 1994, General Assembly resolution 68/262 entitled "Territorial integrity of Ukraine" adopted on 27 March 2014 at its sixty-eighth session and other international legal acts;

Does not recognize the legitimacy of the elections to the State Duma of the Federal Assembly of the Russian Federation, seventh convocation, their results and legal consequences and, accordingly, the composition, powers, acts and decisions of the State Duma of the Federal Assembly of the Russian Federation, seventh convocation;

Calls on the Security Council of the United Nations and the General Assembly, foreign parliaments, parliamentary assemblies and international organizations to not recognize the legitimacy of the elections to the State Duma of the Federal Assembly of the Russian Federation, seventh convocation, their results and legal consequences and, accordingly, the composition, powers, acts and decisions of the State Duma of the Federal Assembly of the Russian Federation, seventh convocation.